

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, April 15, 2013  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante, K. Rawn, B. Ryan  
Members absent: B. Pociask  
Alternates present: V. Ward  
Alternates absent: A. Marcellino, S. Westa  
Staff Present: Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed Ward to act in Pociask's absence.

Holt MOVED, Ryan seconded, to add to the Agenda under New Business, the EIE for ECSU and a Request from Gibbs for a Bond Release. MOTION PASSED UNANIMOUSLY.

**Minutes:**

4-1-13 Meeting Minutes- Chandy MOVED, Ryan seconded, to approve the 4/1/13 Meeting Minutes as presented. MOTION PASSED UNANIMOUSLY with Ward noting that she listened to the record of the meeting.

4-10-13 Field Trip Minutes- Ryan MOVED, Holt seconded, to approve the 4/10/13 Field Trip Minutes as presented. MOTION PASSED with Goodwin, Holt and Ryan in favor and all others disqualified.

**Zoning Agent's Report:**

Noted.

**Public Hearings:**

**Scenic Road Application, Brown's Road west of Storrs Road/Route 195; Jonathan Sgro, Applicant, PZC File #1010-9**

Chairman Goodwin opened the Public Hearing at 7:04 p.m. Holt disqualified herself. Members present were Goodwin, Chandy, Hall, Lewis, Plante, Rawn, Ryan and alternate Ward who was appointed to act. Curt Hirsch, Zoning Agent, read the Legal Notice as it appeared in The Chronicle on April 2, 2013 and April 10, 2013. Hirsch noted the following communications received and distributed to members: a 4/11/13 memo from Linda Painter, Director of Planning and Development; an undated letter from Michael Moran of 71 Browns Road; 3/26/13 minutes of the Traffic Authority Meeting.

The applicant, Jonathan Sgro of 57 Brown's Road, outlined the reasons he believes the eastern ½ mile of Brown's Road should be designated as a Scenic Road. He responded to some of the concerns raised in Michael Moran's letter and stated that the intent of his request is to keep the Town and current or future property owners from significantly disturbing the historic stonewall that runs along this stretch of the road.

Plante questioned how designating Brown's Road as a Scenic Road would affect tree trimming/removal, noting the significant damage to trees during recent storms.

Ryan noted comments from the Traffic Authority regarding extending the designation to the intersection with Crane Hill Road. Sgro responded that he didn't feel the remaining portion of Brown's Road to Crane Hill Road was scenic because the stone wall does not extend beyond the half mile portion of road he proposed.

Chairman Goodwin noted there were no further comments or questions from the Public or Commission. Plante MOVED, Hall seconded, to close the Public Hearing at 7:12 p.m. MOTION PASSED UNANIMOUSLY.

**Special Permit Application, Efficiency Unit, 85 Birchwood Heights, M. Balsamo Owner & Applicant: PZC File #1316**

Chairman Goodwin opened the Public Hearing at 7:13 p.m. Members present were Goodwin, Chandy, Hall, Holt, Lewis, Plante, Rawn, Ryan and alternate Ward who was appointed to act. Curt Hirsch, Zoning Agent, read the Legal Notice as it appeared in The Chronicle on April 2, 2013 and April 10, 2013. Hirsch noted the following communications received and distributed to members: a 4/11/13 memo from Linda Painter, Director of Planning and Development; a 4/11/13 approved B100a application from E.H.H.D. with an email from Geoffrey Havens, and a 4/9/13 memo from Windham Water Works.

The applicant, Margherita Balsamo, 85 Birchwood Heights was present. The applicant verified that she resides at the home and plans to remain in residence. It was emphasized that the property must remain owner-occupied if approval for an efficiency apartment is granted. She stated that staff explained this to her.

Chairman Goodwin noted there were no further comments or questions from the Public or Commission. Hall MOVED, Plante seconded, to close the Public Hearing at 7:17 p.m. MOTION PASSED UNANIMOUSLY.

**Old Business:**

**a. Subdivision Application, 29 North Windham Road; J. Sauve, applicant: PZC File #1311**

Rawn MOVED, Holt seconded, to approve with conditions the subdivision application (File #1311) of James Sauve on property owned by the applicant located at 29 North Windham Road in an RAR-90 zone, as submitted to the Commission and shown on plans dated December 21, 2012 and revised through March 1, 2013 and as presented at public hearings on February 4, 2013 and April 1, 2013.

Pursuant to Sections 7.5 and 7.6 of the Subdivision Regulations, this approval accepts the applicants proposed lot layout and hereby authorizes the necessary reductions to frontage (Lots 2 and 3) and setbacks as depicted through the proposed Building Area Envelopes (Lots 1, 2 and 3). These reductions minimize the impact to steep slopes on the property and result in a greater proportion of the property being preserved for agricultural use than could be accomplished using a conventional design.

Pursuant to Section 7.10 of the Subdivision Regulations, this approval accepts the use of a common driveway to serve lots 2 and 3. The use of a common driveway in this location significantly reduces the impacts to steep slopes that would be incurred if a cul-de-sac street were to be required in this location.

This approval is granted because the application as hereby approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations and is granted with the following conditions:

**1. Frontage and Setback Reductions.** The approved reductions in frontage and setbacks shall be specifically noted on the plans and on the deeds of the affected and abutting lots. Unless the Commission specifically authorizes revisions, the depicted building envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically noticed on the Land Records.

**2. Common Driveway.** No lots within the subdivision shall be sold until the common driveway is completed and accepted by the Town of Mansfield or a financial guarantee in an amount approved by the Assistant Town Engineer and Director of Planning and Development has been accepted. Prior to acceptance of the common driveway or approval of a financial guarantee, a common driveway easement that addresses maintenance and liability issues must be approved by the PZC Chair with assistance from

staff and the Town attorney and recorded on the land records. This condition shall be noted on the plans and specifically noticed on the Land Records.

The amount of the financial guarantee must cover the estimated cost of remaining construction plus 15% contingency. The financial guarantee must comply with the requirements of Article VI, Section C of the Zoning Regulations and shall include an appropriate signed agreement approved by the PZC Chair with staff assistance. Use of a surety bond to fulfill this condition will require special approval from the Commission. To address this condition, the applicant shall submit a construction cost estimate at the time a financial guarantee is proposed.

No Certificates of Compliance for new homes shall be issued until the common driveway has been completed and accepted by the town.

**3. Erosion and Sedimentation Controls.** Prior to the commencement of any site work, a financial guarantee for erosion and sedimentation controls in the amount of \$5,000 shall be submitted by the applicant and approved by the PZC Chair with staff assistance. The form of the financial guarantee shall be subject to the same terms as described in the condition above. The subdivision plans shall be revised to incorporate this condition. To help ensure that proposed erosion and sediment control measures are appropriately installed and maintained, bi-weekly erosion and sedimentation-monitoring reports shall be submitted to the Zoning Agent and Wetlands Agent until all site work is completed and disturbed areas are stabilized.

**4. Agricultural Easements.** Pursuant to the open space provisions of Section 13, this approval accepts the proposed agricultural easements for the barn and farm areas on Lot 1 in lieu of dedication of open space. Easement documents based on the Town's model format shall be approved by the Director of Planning and Development and Town and shall include references to applicable state and federal requirements for use and storage of fertilizer, pesticides and manure and encourage the use of best practices as recommended by organizations identified in Article X, Section T.2.a and T.3.a.7. The easement documents shall be executed and filed on the Land Records in association with final plans. Easements shall be incorporated into notes on the final plan and incorporated in the deed for Lot 1.

**5. Certificate of Title.** All deeds and easements must be covered by a certificate of title indicating that there are no encumbrances or stating what encumbrances there are and providing a partial release or subordination agreement.

**6. Plan Revisions.** Final plans shall be revised to:

- a. Prohibit development and clearing of steep slope areas located within the BAE/DAE boundaries.
- b. Provide adequate emergency vehicle turning and back-up space where the common driveway splits to access lots 2 and 3, including widening of the driveway on Lot 2 to 16 feet and using a larger turning radius at the Lot 1 driveway.
- c. Relocate the common driveway pull-off on Lot 1 to the west side of the driveway, either as a separate feature or incorporated into the driveway to Lot 1 and revise the driveway location to save the 26-inch oak tree.
- d. Add a note encouraging the use of best practices identified in the 2011 Appendix to the CT Stormwater Quality Manual during development of individual homesites.
- e. Add a note that addresses the requirements of Section 11.1 of the Subdivision Regulations regarding underground utilities.
- f. Include dedication of right-of-way establishing a new street line 25 feet back from the centerline of North Windham Road.

- g. Include signatures and seals of the responsible surveyor, engineer, soils scientist and landscape architect.

**7. Extent of Approval.** The Planning and Zoning Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety or one hundred and eighty-day filing extension has been granted):

- a. All final maps, including submittal in digital format, right-of-way deeds for North Windham Road, conservation easements, and a Notice on the Land Records to address conditions #1 and 2 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;
- b. All monumentation (including right-of-way dedication and delineation of agricultural/conservation areas with iron pins and the town's official markers every 50 to 100 feet on perimeter trees or cedar posts), with Surveyor's Certificate shall be completed pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED UNANIMOUSLY.

**b. Scenic Road Application, Brown's Road west of Storrs Road/Route 195; Jonathan Sgro, Applicant, PZC File #1010-9**

Holt disqualified herself. Lewis stated that he will remain opposed to any Scenic Road Applications until the Town commits to making the roads more bicycle and pedestrian safe.

Ryan MOVED, Hall seconded, that the Planning and Zoning Commission designate Brown's Road between Storrs Road and the western boundary of the property located at 91 Brown's Road as a Scenic Road as presented in the application dated February 25, 2013 and presented at public hearing on April 15, 2013. This approval is granted because the application has met the requirements of Section 149a of the Connecticut General Statutes and Chapter 155 of the Mansfield Code of Ordinances. MOTION FAILED with Ryan, Goodwin and Hall in favor and Lewis, Chandy, Rawn, Plante and Ward opposed.

**c. Special Permit Application, Efficiency Unit, 85 Birchwood Heights, M. Balsamo Owner & Applicant: PZC File #1316**

Holt MOVED, Ward seconded, to approve the March 11, 2013 application of Margherita Balsamo to allow an efficiency dwelling unit at 85 Birchwood Heights Road in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on April 15, 2013.

Pursuant to Article V, Section B.4 of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article X, Section L; Article V, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

- 1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to four additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.

2. The applicant shall install a pathway along the west side of the unit to provide pedestrian access from the driveway to the exterior entrance. To traverse the slope, stairs may be needed at the bottom of the path.
3. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy and a written statement regarding compliance with efficiency unit regulations every two years, starting on January 1, 2014.
4. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED UNANIMOUSLY.

**d. Modification Request, Public Petroleum, 1659 Storrs Road, PZC File #1120**

Attorney Samuel Schrager explained the proposed request for a modification, and Alan Lamson, the engineer, presented a depiction of the layout showing the changes in the building's foot print and façade. After extensive discussion, the consensus of the Commission was that this proposal encompasses new construction and other issues that are beyond the scope of issues normally and properly handled by way of a modification. Rawn MOVED, Ward seconded, to deny the modification request on the basis that this proposal is extensive and necessitates a Special Permit Application. MOTION PASSED UNANIMOUSLY.

**New Business:**

**a. Pre-Application Review: 574-596 Middle Turnpike, PZC File #1317**

Hirsch noted the memo from the Director of Planning and Development and noted that this item has been referred to staff and committees as part of our pre-application subdivision review process. The item will be tabled until the next meeting for discussion.

**b. New Special Permit Application, Efficiency Unit, 92 Cedar Swamp Road, T. & C. Jeffers, Owner & Applicant: PZC File #1318**

Ryan MOVED, Holt seconded, to receive the Special Permit Application (File #1318 ) submitted by Todd and Christine Jeffers for a Efficiency Unit on property located at 92 Cedar Swamp Road as shown on plans dated 3/11/13, as shown and described in application submissions, and to refer said application to staff and committees for review and comments, and to set a Public Hearing for 6/3/13. MOTION PASSED UNANIMOUSLY.

**c. Request for Bond Release, Gibbs Oil Company, 9 Stafford Road, PZC File #404-3**

Plante MOVED, Hall seconded, that the PZC authorize the staff to release the \$5,000 site development bond with accumulated interest to the Gibbs Oil Company, because it does not have a development interest in the subject property and no longer owns the property. MOTION PASSED UNANIMOUSLY.

**d. EIE for the Eastern Connecticut State University 2008 Campus Plan Update**

Holt MOVED, Chandy seconded, to authorize the PZC Chair to submit comments on the ECSU Campus Plan EIE to the Connecticut Board of Regents as per the attached draft letter presented to the Commission for review, provided the letter is revised to provide additional emphasis on the athletic field lighting; specifically that the lighting be more closely monitored, be downward directed, and used only during actual times of field use. MOTION PASSED UNANIMOUSLY.

**e. Mansfield Tomorrow | Our Plan ▶ Our Future:**

As per their requests, the Commission added John Sobanik from Celeron Square to the Housing Focus Group, and added Ed Wazer from Shudahai Farm and Karen Green to the Agriculture Focus Group.

**Reports from Officers and Committees:** None noted.

**Communications and Bills:** None noted.

**Adjournment:** The Chairman declared the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Katherine Holt, Secretary